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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,653	05/30/2006	Christian Kranz	1890-0242	9076

50255 7590 03/21/2007  
MAGINOT, MOOR & BECK  
111 MONUMENT CIRCLE, SUITE 3000  
BANK ONE CENTER/TOWER  
INDIANAPOLIS, IN 46204

EXAMINER
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SHINGLETON, MICHAEL B

ART UNIT	PAPER NUMBER
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2815

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/21/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

10/536,653

**Applicant(s)**

KRANZ, CHRISTIAN

**Examiner**

Michael B. Shingleton

**Art Unit**

2815

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 2-15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10/05 one sheet 2/07 one sheet.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

Claims 7-15 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 7-15 have not been further treated on the merits.

***Specification***

The disclosure is objected to because of the following informalities: Page three of the specification describes the invention by referring to claims 1 and 16.

35 This object is achieved according to the invention by a  
method for the correction of signal distortions in an  
amplifier device according to claim 1 and a device for  
the correction of signal distortions in an amplifier  
device according to claim 16.

The specification should provide a description of the subject matter itself and not to the pointing of claim numbers to describe the invention as claim numbers are subject to change and the scope of the claims are subject to change via amendments and the like. This could possibly introduce new matter. In fact the PCT application upon which this application is based on has a different claim 1 than is present claim 1 in the instant application and therefore applicant may have already changed the scope of the specification to something that may not have been meant. At the time of allowance the examiner may have to renumber the claims and the examiner cannot possibly be expected to change every instance in the specification a claim number change occurs. Also it is just confusing if one has to jump back and forth between the claims and the specification just to read a description of the invention. Appropriate correction is required.

The abstract of the disclosure is objected to because the abstract is to be a single paragraph yet two paragraphs are presented (See below.). Correction is required. See MPEP § 608.01(b).

**Abstract**

The present invention provides a method for the correction of signal distortions in an amplifier device (20), wherein a digital modulator (17) is operated with a variable-frequency system clock (18). The present invention likewise provides a device for the correction of signal distortions in an amplifier device (20).

Figure 1

Second Paragraph.

First paragraph.

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Newey US 6,124,757 of record (Newey).

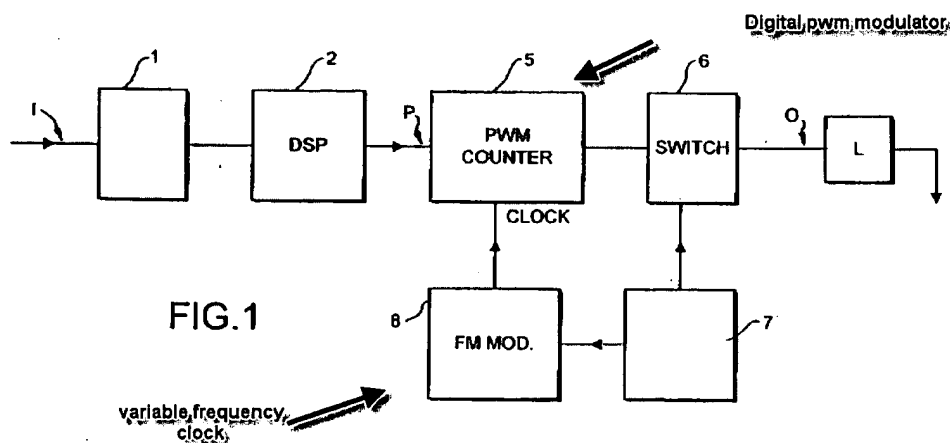


Figure 1 and the relevant text of Newey discloses a method for the correction of signal distortions in an amplifier device where the steps of operating a digital PWM modulator 5 is provided and the step of applying a variable frequency system clock via the element 8 of Newey is provided. Note that the abstract describes the correction of the signal due to the power source.

[57]

**ABSTRACT**

A digital power amplifier has a digital signal processor (2) providing a digital signal representative of the original input (1). A pulse width modulation counter (5) applies a pulse width modulated output waveform to the output switching stage (6) which applies an output to a load (L) powered by a power source (7). The power source (7) is coupled to a frequency modulator (8) whose output is arranged to clock the counter (5). In this way, noise components from the power supply (7) are modulated onto the input signal applied to the output switching stage (6) and act to cancel out the noise signals applied to the output stage by the power supply, whereby an output (O) generally free of noise attributable to the power source is produced.

Claim 16 is allowed over the prior art of record for the prior art of record fails to disclose the two pulse width modulators connected in the manner claimed.

Claims 2-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael B. Shingleton whose telephone number is (571) 272-1770.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ken Parker, can be reached on (571) 272-2298. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

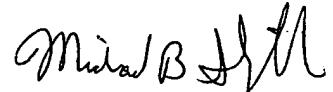
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MBS

March 16, 2007

A handwritten signature in black ink, appearing to read "Michael B Shingleton". The signature is stylized with a large, looped "M" and a cursive "Shingleton".

Michael B Shingleton  
Primary Examiner  
Group Art Unit 2815